

REMARKS

This Amendment is responsive to the Office Action mailed March 30, 2010. With this Amendment, claims 24, 28, 29, and 32 have been amended, claims 22-23, 25-27, and 30-31 have been cancelled, and claims 33-48 have been added, so that claims 24, 28-29, and 32-48 are pending.

Applicants note that this application is an application filed under 35 U.S.C. § 371 and that unity of invention requirements apply. Applicants submit that the claims, including new claims 33-48, as well as amended claims 28, 29, and 32 (which now depend from new claim 37), share a common special technical feature which defines a contribution over the art, and therefore are entitled to examination on the merits along with claim 24, which claim includes recitation of the inhibition of activation of a transcription factor KLF5 and/or the inhibition of vascular remodeling.

Support for the instant Amendment can be found throughout the specification and claims as originally filed, including, for example, at paragraph [0003] bridging pages 1-2, paragraph [0006] on page 3, Examples 1-1 and 1-2 on pages 7-8, and original claims 1-8.

The foregoing Amendment also includes amendments to the Specification and Abstract, which amendments have been made to correct a spelling error. Applicants note that the corrected spelling is also reflected in the foregoing Listing of Claims.

No new matter has been added.

Information Disclosure Statement

Applicants thank the Examiner for acknowledging receipt of the Information Disclosure Statement filed September 21, 2009, and for consideration of the documents therein.

Requirement for Restriction

Applicants thank the Examiner for reconsideration of the Election of Species Requirement mailed December 21, 2009, and for withdrawal of the same.

In response, Applicants note that claims 33-48 have been added, and that claims 28, 29, and 32 have been amended to depend from new claim 37. Furthermore, for at least the reasons set forth above, Applicants respectfully submit that claims 28, 29, and 32-48 are examinable with

claim 24, which claim includes recitation of the inhibition of activation of a transcription factor KLF5 and/or the inhibition of vascular remodeling.

Claim Rejections under 35 U.S.C. § 103(a)

The Office Action rejects claims 22-32 under 35 U.S.C. § 103(a) as unpatentable over Marx et al. (*Circ. Res.* 90:703-710, 2002; hereinafter "Marx") in view of Shidoji et al. (WO 01/80854 "as evidenced by" US 2005/0250671" hereinafter "Shidoji"). In particular, the rejection asserts that Marx is directed to peroxisome proliferator-activated receptor (PPAR) activators as anti-inflammatory mediators in human T lymphocytes (Office Action at page 3, Section 10). The rejection further concedes that Marx fails to teach the administration of a polyprenylcarboxylic acid compound as being a PPAR activator for treatment of arteriosclerosis (Office Action at page 4, Section 11). To compensate for this deficiency, the rejection relies upon Shidoji, a document directed to the use of PPAR activators in the treatment of hyperlipidemia and non-insulin dependent diabetes.

In response, and without acquiescing to the propriety of the rejection, Applicants submit that the instant rejection is rendered moot with respect to cancelled claims 22-23, 25-27 and 30-31.

With regard to claim 24, Applicants submit that the claimed subject matter is not obvious over the combination of Marx in view of Shidoji. In particular, Applicants submit that Marx, Shidoji, or any combination thereof, fails to teach or suggest "[a] method of treatment for arteriosclerosis, comprising administering to a mammal in need of treatment a medicament comprising an acyclic polyprenyl compound as an active ingredient such that the activation of a transcription factor KLF5 is inhibited and/or such that vascular remodeling is inhibited." For example, Marx in view of Shidoji fails to teach or suggest such a method wherein the activation of a transcription factor KLF5 is inhibited and/or wherein vascular remodeling is inhibited.

Moreover, Applicants submit that one of ordinary skill in the art would not have been motivated to combine the teachings of Marx with those of Shidoji at least because Shidoji and Marx are directed to disparate subject matter, *i.e.*, Marx is a research report which discloses the results of experiments performed to determine the effect of PPAR activators on CD4⁺ T cells, whereas Shidoji is directed to the use of PPAR activators in the treatment of hyperlipidemia and non-insulin dependent diabetes.

Furthermore, and without acquiescing to the propriety of the rejection, Applicants also submit that the instant rejection is rendered moot with respect to amended claims 28, 29, and 32, insofar as these claims depend from new claim 37. Applicants further submit that newly added claims 33-48, as well as amended claims 28, 29, and 32, are also not rendered obvious over the combination of Marx in view of Shidoji for reasons similar to those discussed above. In particular, Applicants submit that new claims 33-48, like claim 24, are directed to methods and/or medicament compositions, which methods and/or compositions relate to the inhibition of activation of KLF5 and/or the inhibition of vascular remodeling, neither of which are suggested by the cited art.

Based at least on the foregoing, Applicants submit that the claimed subject matter is not obvious over the combination of Marx and Shidoji. Applicants therefore respectfully request reconsideration of the rejection under 35 U.S.C. § 103(a) and withdrawal of the same.

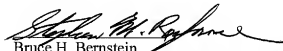
CONCLUSION

For the reasons discussed above, it is respectfully submitted that the rejections be withdrawn. Favorable consideration with early allowance of all of the pending claims is most earnestly requested.

If there are any questions regarding the application in general, or the remarks set forth herein, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application.

It is not believed that any additional fees are due with the filing of this Amendment. However, the U.S. Patent and Trademark Office is hereby authorized to charge any fees which may be deemed necessary or to credit any overpayments to Deposit Account No. 19-0089.

Respectfully Submitted,
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